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09/475,696	12/30/1999	DARRYL L. DEFREESE	A-6307	6730

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EXAMINER
AKPATI, ODAICHE T

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/475,696	DEFRESE ET AL
	Examiner	Art Unit
	Tracey Akpati	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*10 May 2004*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-84* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-84 are pending. Claims 1, 17, 33 and 49 have been amended. Claims 65-84 has

been added. This action is non-final.

Response to Arguments

2. The attorneys arguments filed 5/10/04 are persuasive and hence the previous rejection with

regards to Claim 1, 17, 33 and 49 have been withdrawn and a new rejection has been made as

shown below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 1, 12, 17, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinder et

al (6105134).

Claim 1: Pinder et al (6105134) meets the limitation of "receiving at least one encrypted

entitlement control message corresponding to the service" on column 4, lines 23-29; and

"wherein each entitlement control message includes a packet identifier (PID) and a payload" is

met by Fig. 10, which shows the makeup of an ECM packet. Further limitation of "decrypting

each of the at least one encrypted entitlement control message in the secure element, each

decrypted entitlement control message revealing at least one first entitlement number associated

with the selected service" is met on column 2, lines 9-18 and column 9, lines 25-40. The control

word of the ECM being encrypted implies that the ECM is encrypted. The limitation of

"wherein the at least one authorized entitlement unit number is carried in the payload" is met by

Fig. 16; and "determining that the terminal is authorized to receive the selected service when any

first entitlement number of any decrypted entitlement control message represents any number of

the at least one authorized entitlement unit number" is met on column 30, lines 35-40. If the

entitlement ID in EA corresponds to the entitlement ID in the ECM, then the service is

authenticated.

Claim 17: This Claim is similar to Claim 1 limitation except for the second limitation. Pinder et

al (6105134) meets this limitation of "authenticating each of the at least one entitlement control

message in the secure element, each authenticated entitlement control message revealing at least

one first entitlement number associated with the selected service" on column 30, lines 35-40 and

on column 36, lines 41-52.

Claim 12, 28: Pinder et al '134 meets the limitation of "wherein the step of receiving an

encrypted entitlement management message includes receiving the encrypted entitlement

management message over an out of band link" on column 5, lines 2-10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the

manner in which the invention was made.

Claims 6, 7, 9, 10, 11, 14, 15, 22, 23, 25, 26, 27, 30, 31, 33, 38, 41, 42, 49, 54, 57, 58, 59,

60, 62, 63, 65-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder et al

(6105134).

Claim 6: Pinder et al (6105134) meets the limitation of "wherein the step of decrypting the at

least one encrypted entitlement control message includes recovering at least one control word

associated with decryption of a video component of the selected service" on column 9, lines 25-

40.

Claim 7, 38, 54: Pinder et al (6105134) meets the limitation of "wherein the step of receiving at

least one encrypted entitlement control message includes recovering at least one control word

associated with decryption of an audio component of the selected service" on column 9, lines 25-40 and column 18, lines 60-67, column 19, lines 1-8. Both the audio and video components are decrypted.

Claim 9, 41: Pinder et al '134 meets the limitation of "wherein the step of decrypting said at least one encrypted entitlement control message includes recovering at least one control word from said at least one decrypted entitlement control message, each control word being a decryption key for decrypting a corresponding service component of the selected service" on column 9, lines 25-40, column 19, lines 22-24.

Claim 10, 42, 58: Pinder et al '134 meets the limitation of "a fourth control module to control the processor to recover a first encrypted service component" on column 9, lines 28-38; and "a decryptor to decrypt the encrypted service component using a first control word of said at least one control word" on column 9, lines 53-55.

Claims 11, 27, 59: Pinder et al (6105134) meets the limitation of "receiving an encrypted entitlement management message addressed to the terminal" on column 8, lines 29-34; and "decrypting the encrypted entitlement management message in the secure element, the decrypted entitlement management message" is met on column 8, lines 39-40; and "including an update of at least one authorized entitlement unit number to be stored in the secure element" is met on column 31, lines 12-14.

Claimjs 14, 30, 62: Pinder et al '134 meets the limitation of "receiving an entitlement

management message addressed to the terminal" on column 8, lines 29-34; and "authenticating

the entitlement management message in the secure element" on column 8, lines 42-49; and "the

authenticated entitlement management message including an update of at least one authorized

entitlement unit number to be stored in the secure element" on column 31, lines 10-25.

Claims 15, 31, 63: Pinder et al '134 meets the limitation of "wherein the step of receiving an

entitlement management message includes receiving the entitlement management message over

an out of band data link" on column 5, lines 2-8.

Claim 22: Pinder et al '134 meets the limitation of "wherein the step of authenticating the at least

one entitlement control message includes recovering at least one control word associated with

decryption of a video component of the selected service" on column 9, lines 40-55.

Claim 23: Pinder et al '134 meets the limitation of "wherein the step of authenticating the at least

one entitlement control message includes recovering at least one control word associated with

decryption of an audio component of the selected service" on column 9, lines 40-55, column 18,

lines 60-67 and column 19, lines 1-8.

Claim 25: Pinder et al '134 meets the limitation of "wherein the step of authenticating said at

least one entitlement control message includes recovering at least one control word from said at

least one entitlement control message, each control word being a decryption key for decrypting a

corresponding service component of the selected service" on column 9, lines 40-55 and column

19, lines 22-24.

Claim 26: Pinder et al 134 meets the limitation of "recovering a first encrypted service

component" on column 9, lines 28-38; and "decrypting the encrypted service component using a

first control word of said at least one control word" on column 9, lines 53-55.

Claim 33: Pinder et al (6105134) meets the limitation "a processor having plural control

modules, a first control module controlling the processor to receive at least one encrypted

entitlement control message corresponding to the selected service" on Fig. 1, 12 and inherently

in the abstract; and "a secure element having at least one authorized entitlement unit number

stored therein and having plural control modules, a second control module controlling the secure

element to decrypt each of the at least one encrypted entitlement control message and each

decrypted entitlement control message revealing at least one first entitlement number associated

with the selected service and a third control module controlling the secure element to determine

that the terminal is authorized to receive the selected service when any first entitlement number

of any decrypted entitlement control message represents any number of the at least one

authorized entitlement unit number" inherently in Fig. 3 and on column 30, lines 26-40. It would

have been obvious to one of ordinary skill in the art at the time of the invention to assume there

to exist a plurality of control modules within Pinder et al because the plurality of control modules

corresponds to the plurality of set top units existent in Pinder et al, thereby making the existence

of multiple control modules obvious. The process steps suggest the existence of hardware that
implements these steps.

Claim 49: The limitation is similar to Claim 33 limitation and hence its rejection is similar. The
major difference between Claim 33 and 49 is that the ECM is authenticated. This is met by
Pinder et al (6105134) on column 6, lines 41-48.

Claim 57: Pinder '134 meets the limitation of "wherein the second control module includes a
control module to recover at least one control word from said at least one entitlement control
message, each control word being a decryption key for decrypting a corresponding service
component of the selected service" on column 9, lines 25-40 and on column 19, lines 22-24. The
existence of the steps that achieve these processes make the existence of hardware that
implements these steps obvious.

Claim 60: Its limitation is similar to Claim 12 limitation. The process steps make the existence
of a hardware module that executes these process steps obvious.

Claim 65: Pinder et al '134 meets the limitation of "receiving a stream of packets, the stream of
packets including packets comprising the service and entitlement control messages (ECMs) for
the service" on column 4, lines 26-29; and "determining a first entitlement unit number for the service"
is met on column 30, lines 28-35; and "determining whether the terminal is authorized to access
the service based upon the first entitlement unit number and an authorized entitlement unit
number that is stored in a memory of the terminal" on column 30, lines 35-40; and "responsive

to determining the terminal is not authorized, displaying something other than the service"
inherently on column 4, lines 29-31, 42-45.

Claim 66: Pinder et al '134 meets the limitation of "parsing ECMs for the service from the
stream of packets, wherein each ECM includes a second entitlement unit number that is carried
in the payload of the ECM" on column 4, lines 25-36; and "confirming that the terminal is
authorized to access the service based upon the second entitlement unit number and the
authorized entitlement unit number" on column 30, lines 35-40; and "responsive to confirming
that the terminal is authorized further including the steps of recovering control words from the
received ECMs; decrypting the service using the recovered control words; and displaying the
service" on column 4, lines 45-59.

Claim 67: Pinder et al '134 meets the limitation of "wherein a user is currently viewing a second
service, and wherein the something other that is displayed is a third service" inherently on
column 32, lines 1-14.

Claim 68: Pinder et al '134 meets the limitation of "wherein the third service is a predetermined
Service" on column 32, lines 1-14.

Claim 69: Pinder et al '134 meets the limitation of "wherein the predetermined service is a
barker service" on column 32, lines 1-14.

Claim 70: Pinder et al '134 meets the limitation of "wherein a user is currently viewing a second service, and wherein the something other that is displayed is a message" on column 32, lines 1-14.

Claim 71: Pinder et al '134 meets the limitation of "wherein the message instructs the user to select another service" on column 32, lines 1-14.

Claim 72: Pinder et al '134 meets the limitation of "associating services with entitlement unit numbers" on column 32, lines 49-50; and "providing the terminal with an electronic program guide that associates universal service identification numbers to services" on column 31, lines 26-43; and "providing the terminal with an entitlement unit table that translates universal service identification numbers to entitlement unit numbers" on column 31, lines 47-53; and providing the terminal with an authorized entitlement unit number, wherein responsive to the a user selecting a given service, the terminal determines whether the terminal is authorized to access the given service using the electronic program guide, the entitlement unit table, and the authorized entitlement unit number" on column 30, lines 35-48, column 31, lines 11-25.

Claim 73: Pinder et al '134 meets the limitation of "wherein the authorized entitlement unit number is provided to the terminal in an entitlement management message" on column 31, lines 11-25.

Claim 74: Pinder et al '134 meets the limitation of "wherein a given entitlement unit number is associated with a plurality of services" on column 30, lines 32-35.

Claim 75: Pinder et al '134 meets the limitation of "providing the terminal with a second authorized entitlement unit number, wherein the second authorized entitlement unit number is associated with a second group of services" on column 30, lines 32-35.

Claim 76: Pinder et al '134 meets the limitation of "wherein the given service is associated with both the first authorized entitlement unit number and the second authorized entitlement unit number" inherently on column 30, lines 56-67 and column 31, lines 1-25. The multiple entitlement unit numbers for a given service make it obvious to have two entitlement unit numbers associated with a given service.

Claim 77: Pinder et al '134 meets the limitation of "multiplexing entitlement control messages for a given service into the stream of packets" on column 7, lines 12-14. Demultiplexing of the control word contained in the ECM makes the multiplexing of the ECM obvious. Further limitation of "wherein each entitlement control message includes a second entitlement unit number, wherein the terminal confirms that the terminal is authorized to access the given service using the second entitlement unit number and the authorized entitlement unit number" is met on column 30, lines 35-48 and on column 31, lines 11-25.

Claim 78: Pinder et al '134 meets the limitation of "wherein the entitlement control messages includes a plurality of entitlement unit numbers" on column 30, lines 26-48.

Claim 79: Pinder et al '134 meets the limitaton of "receiving an electronic program guide that associates universal service identification numbers to services" on column 31, lines 26-43; and "receiving an entitlement unit table that translates universal service identification numbers to entitlement unit numbers" on column 31, lines 47-53; and "receiving an authorized entitlement unit number; receiving user input for a given service; determining whether the terminal is authorized to access the given service using the electronic program guide, the entitlement unit table, and the authorized entitlement unit number" on column 30, lines 35-48 and column 31, lines 11-25.

Claim 80: Pinder et al '134 meets the limitation of "wherein the authorized entitlement unit number is carried in an entitlement management message" on column 30, lines 57-58.

Claim 81: Pinder et al '134 meets the limitation of "storing the authorized entitlement unit number in a memory" is met on Fig. 17 and column 31, lines 65-67 and on column 32, lines 14-16.

Claim 82: Pinder et al '134 meets the limitation of wherein the memory is included in a secure microprocessor having input/output terminals, and the secure microprocessor is characterized by the memory being unobservable at the input/output terminals" on Fig. 1 and 12.

Claim 83: Pinder et al '134 meets the limitation of "receiving a stream of packets, the stream of

packets including packets comprising the given service and entitlement control messages

(ECMs) for the given service" on column 4, lines 26-29; and "parsing ECMs for the given service

from the stream of packets, wherein each ECM includes an entitlement unit number that is

carried in the payload of the ECM" on column 4, lines 25-36 and on column 30, lines 28-32; and

"confirming that the terminal is authorized to access the given service based upon the entitlement

unit number and the authorized entitlement unit number" on column 30, lines 35-40; and "recovering

control words from the received ECMs; decrypting the given service using the recovered control words; and

displaying the given service" on column 4, lines 45-59.

Claim 84: Pinder et al '134 meets the limitation of "comparing each of entitlement unit numbers

with the authorized entitlement unit number until one of the entitlement unit numbers matches

the authorized entitlement unit number, wherein the terminal is authorized to access the given

service if there is a match" on column 30, lines 35-40.

Claims 2, 3, 4, 5, 13, 16-21, 29, 32, 34-37, 43-48, 50-53, 61, 64 are rejected under 35

U.S.C. 103(a) as being unpatentable over Pinder et al (6105134) in view of Pinder et al

(5742677).

Claims 2, 18: Pinder et al '134 teaches claim 1. Furthermore, Pinder et al '134 teaches receiving

over a permanently available link, an entitlement unit table associating the selected service with

at least one second entitlement number (inherently on column 30, lines 35-42, column 31, lines

13-21, 65-67 and column 32, lines 1-16). NVSC, also depicted in Fig. 17 contains information

that links an entitlement ID to an event/selected service. Pinder et al (6105134) fails to teach

tuning the tuner of the terminal to the frequency associated with the selected service. Pinder et al

(5,742,677) teaches an analog and digital tuner that are tunable according to the selected channel

(col. 11, line 10-24).

It would have been obvious to modify Pinder et al '134 method of providing conditional

access information to decoders to include Pinder et al '677 tuning of a tuner to allow for

transmitting on an out of band data link for authorization and preventing the broadcast frequency

from being obtained without authorization.

Claim 3, 19: Pinder et al '134 teaches all the limitation but fails to teach receiving the entitlement

unit table over an out of band data link. Pinder (5,742,677) teaches tuning to an off-channel for

data identifying the predetermined channel (col. 11, line 13-24) where the commands & data are

supplied to an out of-band data receiver (col. 12, line 44-49).

It would be obvious to modify Pinder et al '134 providing conditional access information

to decoders to include Pinder et al '677 off-channel tuning to transmit entitlements through a

path separate from the video in order that tuning to the proper frequency can be authenticated.

Claims 4, 20: Pinder et al '134 teaches all the limitation but the limitation of receiving an

entitlement unit table that is included in a data stream associated with an initial power on

frequency that is tunable by the tuner. Pinder et al (5,742,677) teaches tuning to an off-channel

for data identifying the predetermined channel (col. 11, line 13-24) where the tuner is tunable

over a frequency range (col. 11, line 10-24).

It would be obvious to modify Pinder et al '134 limitation of providing conditional access

information to decoders to include Pinder et al '677 limitation of an off-channel tuning to

transmit entitlements through a path separate from the video to allow the authentication data to

be directed through another path besides the video for authentication.

Claim 5, 21: Pinder et al '134 teaches all the limitation but fails to teach a step of receiving over

a data link includes receiving the entitlement unit table incorporated in a data packet with each

frequency that is tunable by the tuner. Pinder et al '677 teaches tuning to an off-channel for data

identifying the predetermined channel (col. 11, line 13-24) where the tuner is tunable over a

frequency range (col. 11, line 10-24).

It would be obvious to modify Pinder et al '134 providing conditional access information

to decoders to include Pinder et al '677 teaching of an off-channel tuning to transmit entitlements

through a path separate from the video to allow the authentication data to be directed through

another path besides the video for authentication.

Claim 13, 29, 61: Pinder '134 meets all the limitation except for the limitation of "wherein the

step of receiving an encrypted entitlement management message includes receiving the

encrypted entitlement management message incorporated in a data packet that is included in a

data stream associated with each frequency that is tunable by the tuner." Pinder (5,742,677)

teaches for data identifying the predetermined channel (col. 11, line 13-24), the tuner is tunable

over a frequency range (col. 11, line 10-36). It would be obvious to modify Pinder et al '134

teaching of providing conditional access information to decoders to include Pinder et al '677 off-

channel tuning to transmit entitlements through a path separate from the video to allow the

authentication data to be directed through another path besides the video for authentication.

With respect Claims 16, 34-37, 43-48, 50-53 and 60-64, all the limitation is met by Pinder et al

'134 except the limitations disclosed below, which is met by Pinder et al '677.

Claim 16, 32, 64: Pinder (5,742,677) teaches a control module includes a control module to

receive the entitlement message incorporated in a data packet associated with each frequency

that is tunable by the tuner (col. 11, line 10-36). It would have been obvious to combine the

teachings of Pinder et al '677 within the system of Pinder et al '134 so as to tuning to the proper

frequency can be authenticated.

Claim 34: Pinder (5,742,677) teaches a processor further includes a control module controlling

the processor (Fig. 3) to receive over a permanently available link an entitlement unit table (col.

11, line 13-24) and a control module controlling the processor (Fig. 3) to tune the tuner of the

terminal to the frequency associated with the selected service (col. 11, line 10-36). It would have

been obvious to combine the teachings of Pinder et al '677 within the system of Pinder et al '134

so as to allow for transmitting on an out of band data link for authorization and preventing the

broadcast frequency from being obtained without authorization.

Claim 35: Pinder (5,742,677) teaches a control module to receive the entitlement unit table over

an out of band data link (col. 12, line 44-49). It would have been obvious to combine the

teachings of Pinder et al '677 within the system of Pinder et al '134 so as to tuning to the proper

frequency can be authenticated.

Claim 36: Pinder (5,742,677) teaches a control module (Fig. 3) receiving entitlement unit table

incorporating in a data packet on frequency that is tunable by the tuner (col. 11, line 10-36). It

would have been obvious to combine the teachings of Pinder et al '677 within the system of

Pinder et al '134 so as to tuning to the proper frequency can be authenticated.

Claim 37: Pinder (5,742,677) teaches a control module includes a control (Fig. 3) to receive the

entitlement unit table (col. 12, line 13-24) that is tunable by the tuner (col. 11, line 10-36). It

would have been obvious to combine the teachings of Pinder et al '677 within the system of

Pinder et al '134 so that so as to tuning to the proper frequency can be authenticated.

Claim 43: Pinder (5,742,677) teaches a control module controlling the processor to receive an

encrypted entitlement management message addressed to the terminal (Fig. 3) and a control

module controlling the secure element to decrypt the encrypted entitlement management

message (col. 11, line 10-58) including an update of at least one authorized entitlement unit

number (col. 12, line 25-36). It would have been obvious to combine the teachings of Pinder et

al '677 within the system of Pinder et al '134 so as to be able to send the entitlement

management message in a secure manner to allow for authorization.

Claim 44: Pinder (5,742,677) teaches a control module receiving the encrypted entitlement

management message over an out of band data link (col. 12, line 44-49). It would have been

obvious to combine the teachings of Pinder et al '677 within the system of Pinder et al '134 so as

to transmit the entitlement management message over an out of band data link so as to allow for

authorization.

Claim 45: Pinder (5,742,677) teaches a control module receives the encrypted entitlement

management message with each frequency that is tunable by the tuner (col. 11, line 10-58). It

would have been obvious combine the teachings of Pinder et al '677 within the system of Pinder

et al '134 to be able to send the entitlement management message in a secure manner.

Claim 46: Pinder (5,742,677) teaches a control module to control the processor to receive an

entitlement management message addressed to the terminal (Fig. 3) and a control module to

control the secure element to authenticate the entitlement management message (col. 8, line 11

-29) including an update of at least one authorized entitlement unit number (col. 11, line 10-58).

It would have been obvious combine the teachings of Pinder et al '677 within the system of

Pinder et al '134 to be able to send the entitlement management message in a secure manner.

Claim 47: Pinder (5,742,677) teaches a control module to receive the entitlement management

message (col. 12, line 25-36) over an out of band data link (col. 12, line 44-49). It would have

been obvious to combine the teachings of Pinder et al '677 within the system of Pinder et al '134

so as to be able to send the entitlement management message over an out of band link to allow

for authorizaton.

Claim 48: Pinder (5,742,677) teaches a control module to receive the entitlement management

message associated with each frequency that is tunable by the tuner (col. 11, line 10-36). It

would have been obvious to combine the teachings of Pinder et al '677 within the system of

Pinder et al '134 so as to prevent the broadcast frequency from being obtained without

authorization.

Claim 50: Pinder (5,742,677) teaches a processor includes a control module controlling the

processor to receive over a permanently available link an entitlement unit table (Fig. 3) and a

processor includes a control module controlling the processor to tune the tuner of the terminal to

the frequency associated with the selective service (Fig. 3). It would have been obvious to

combine the teachings of Pinder et al '677 within the system of Pinder et al '134 so as to allow

for transmitting on an out of band data link for authorization and preventing the broadcast

frequency from being obtained without authorization.

Claim 51: Pinder (5,742,677) teaches a control module to receive the entitlement unit table over

an out of band data link (col. 12, line 44-49). It would have been obvious to combine the

teachings of Pinder et al '677 within the system of Pinder et al '134 so as to tuning to the proper

frequency can be authenticated.

Claim 52: Pinder (5,742,677) teaches a control module receiving the entitlement unit table incorporated in a data packet associated with an initial power on frequency that is tunable by the tuner (col. 11, line 10-24). It would have been obvious to combine the teachings of Pinder et al '677 within the system of Pinder et al '134 so as to tuning to the proper frequency can be authenticated.

Claim 53: Pinder (5,742,677) teaches a control module to receive the entitlement unit table associated with each frequency that is tunable by the tuner (col. 11, line 10-24). It would have been obvious to combine the teachings of Pinder et al '677 within the system of Pinder et al '134 so as to tuning to the proper frequency can be authenticated.

Claims 8, 24, 39, 40, 55, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder et al (6105134) in view of Giachetti.

Claim 8, 24, 39, 55: Pinder et al '134 teaches claim 1. Pinder et al '134 fails to teach a step of receiving encrypted entitlement control message includes demodulating an output of the tuner to recover a data component. Giachetti teaches a demultiplexer/descrambler to produce a broadcast flow (col. 4, line 23-37 & col. 4, line 51-55). It would have been obvious to modify Pinder et al limitation of a module to control the processor and decrypt the encrypted message to include Giachetti's demodulation to recover a data component to allow the required information being transmitted to be accessed.

Claim 40: Pinder et al teaches claim 33 but fails to teach a control module to demodulate an output of the tuner to recover a data component. Giachetti (5,742,681) teaches the demultiplexer/descrambler to recover broadcast flows (col. 4, line 23-39). It would have been obvious to modify Pinder et al system to include Giachetti's demultiplexer/descrambler to obtain the transmitted data for viewing/listening.

Claim 56: Claim 56 is similar to claim 49. In addition, Pinder et al '134 fails to teach a control module to demodulate an output of the tuner to recover a data component. Giachetti (5,742,68 1) teaches a demultiplexei-/descrambler to obtain a useable broadcast flow. It would have been obvious to modify Pinder et al to include Giachetti's demodulator to be able to recover the data component to allow the transmitted data to be used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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